CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2004-0095

REQUIRING THE OLIVEHURST PUBLIC UTILITY DISTRICT
WASTEWATER TREATMENT PLANT
TO CEASE AND DESIST

FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region (hereafter referred to as Regional Board), finds:

1. On 9 July 2004, the Regional Board adopted Waste Discharge Requirements Order No. R5-2004-0094, for the Olivehurst Public Utility District (PUD) Wastewater Treatment Plant (hereafter Discharger). Waste Discharge Requirements Order No. R5-2004-0094 regulates the discharge of 1.8 million gallons per day (mgd) of treated domestic wastewater to the Western Pacific Interceptor Drainage Canal, which is tributary to the Bear River and the Feather River.

2. The Cease and Desist Order No. R5-2002-0002 was adopted along with Waste Discharge Requirements, Order No. R5-2002-0001. Waste Discharge Requirements, Order No. R5-2002-0001 is being revised to accommodate significant residential growth within the community and accompanying Cease and Desist Order No. R5-2002-0002 is also being revised to reflect the changes in the permit.

3. Waste Discharge Requirements Order No. R5-2004-0094, includes Effluent Limitations for total trihalomethanes, aluminum, iron, manganese, tributyltin, methylene blue active substances (MBAS), nitrate, nitrite, sulfate, ammonia, and organochlorine pesticides as contained in Sections C.1 and C.3, which read in part as follows:

"1. Effluent from the wastewater treatment plant shall not exceed the following limits (from adoption until **30 November 2007**):

Constituents	Units	Monthly Average	Daily Maximum	Daily Average
Aluminum[1,3]	µg/l	58	---	161
	lbs/day[2]	0.87	---	2.4
Iron[1]	µg/l	300	---	---
	lbs/day[2]	4.5	---	---
Manganese[1]	µg/l	50	---	---
	lbs/day[2]	0.75	---	---

Constituents	Units	Monthly Average	Daily Maximum	Daily Average
Tributyltin	µg/l	0.043	0.13	---
	lbs/day[2]	0.00065	0.002	---
Methylene Blue Active Substances (MBAS)	µg/l	500	---	---
	lbs/day[2]	7.5	---	---

[1] To be ascertained by a 24-hour composite
[2] Based upon a design treatment capacity of 1.8 mgd
[3] Compliance can be demonstrated using either total, or acid-soluble (inductively coupled plasma/atomic emission spectrometry or inductively coupled plasma/mass spectrometry) analysis methods, as supported by U.S. EPA's Ambient Water Quality Criteria for Aluminum document (EPA 440/5-86-008), or other standard methods that exclude aluminum silicate particles as approved by the Executive Officer.

Constituents	Units	Monthly Average	One-hour Average	Daily Maximum
Nitrate (as N)	µg/l	10,000	---	
	lbs/day[2]	150	---	---
Nitrite (as N)	µg/l	1,000	---	---
	lbs/day[2]	15	---	---
Total Trihalomethanes[3]	µg/l	80	---	---
	lbs/day[2]	1.2	---	---
Sulfate	µg/l	250,000	---	---
	lbs/day[2]	3,755	---	---
Ammonia	mg/l	Attachment B	Attachment C	---
	lbs/day[4]	Calculate	Calculate	---
Organochlorine Pesticides	---	---	---	ND[5]

[1] To be ascertained by a 24-hour composite
[2] Based upon a design treatment capacity of 1.8 mgd
[3] Total trihalomethanes is the sum of bromoform, bromodichloromethane, chloroform and dibromochloromethane.
[4] The mass limit shall be calculated based on the concentration limitations (from Attachments) and the design flow of 1.8 mgd.
[5] ND (non-detectable), the non-detectable limitation applies to each individual pesticide at any detection level. No individual pesticide may be present in the discharge at detectable concentrations. The Discharger shall use EPA standard analytical techniques that have the lowest possible detectable level for organochlorine pesticides with a maximum acceptable detection level of 0.05 µg/l.

3. Effluent shall not exceed the following limits (from **30 November 2007** forward):

Constituents	Units	Monthly Average	Daily Average	Daily Maximum	One-hour Average
Aluminum[1,8]	µg/l	58	161	---	---
	lbs/day	0.87[2]	2.4[2]	---	---
		1.5[3]	4.0[3]	---	---
		2.5[5]	6.9[5]	---	---
Iron[1]	µg/l	300	---	---	---
	lbs/day	4.5[2]	---	---	---
		7.5[3]	---	---	---
		12.8[5]	---	---	---
Manganese[1]	µg/l	50	---	---	---
	lbs/day	0.75[2]	---	---	---
		1.3[3]	---	---	---
		2.1[5]	---	---	---
Tributyltin	µg/l	0.043	---	0.13	---
	lbs/day	0.00065[2]	---	0.002[2]	---
		0.0011[3]	---	0.0033[3]	---
		0.0018[5]	---	0.0055[5]	---
Methylene Blue Active Substances (MBAS)	µg/l	500	---	---	---
	lbs/day	7.5[2]	---	---	---
		12.5[3]	---	---	---
		21.3[5]	---	---	---
Nitrate (as N)	µg/l	10,000	---	---	---
	lbs/day	150[2]	---	---	---
		250[3]	---	---	---
		426[5]	---	---	---
Nitrite (as N)	µg/l	1,000	---	---	---
	lbs/day	15[2]	---	---	---
		25[3]	---	---	---
		42.6[5]	---	---	---
Sulfate	µg/l	250,000	---	---	---
	lbs/day	3,755[2]	---	---	---
		6,259[3]	---	---	---
		10,640[5]	---	---	---
Organochlorine Pesticides	µg/l	---	---	ND[4]	---
Total Trihalomethanes[6]	µg/l	80	---	---	---
	lbs/day	1.2[2]	---	---	
		2.0[3]	---	---	
		3.4[5]	---	---	---

Constituents	Units	Monthly Average	Daily Average	Daily Maximum	One-hour Average
Ammonia	mg/l	Attachment B			Attachment C
	lbs/day[7]	Calculate			Calculate

[1] To be ascertained by a 24-hour composite

[2] Based upon a design treatment capacity of 1.8 mgd

[3] Based upon a design treatment capacity of 3.0 mgd. Expansions of the wastewater treatment system allowing an increase in the average dry weather flow rate to 3.0 mgd (Phase 1a) and 5.1 mgd (Phase 2) will be allowed upon receipt of certification of expansion of the treatment system. The treatment system capacity, limited in this Order, will not be allowed to be increased until the Discharger has provided a stamped and signed certification, by a registered Civil Engineer with experience in the design and operation of wastewater treatment systems, that the expanded system is capable of achieving full compliance with this Order.

[4] ND (non-detectable), the non-detectable limitation applies to each individual pesticide at any detection level. No individual pesticide may be present in the discharge at detectable concentrations. The Discharger shall use EPA standard analytical techniques that have the lowest possible detectable level for organochlorine pesticides with a maximum acceptable detection level of 0.05 μg/l.

[5] Based upon a design treatment capacity of 5.1 mgd. Expansions of the wastewater treatment system allowing an increase in the average dry weather flow rate to 3.0 mgd (Phase 1a) and 5.1 mgd (Phase 2) will be allowed upon receipt of certification of expansion of the treatment system. The treatment system capacity, limited in this Order, will not be allowed to be increased until the Discharger has provided a stamped and signed certification, by a registered Civil Engineer with experience in the design and operation of wastewater treatment systems, that the expanded system is capable of achieving full compliance with this Order.

[6] Total trihalomethanes is the sum of bromoform, bromodichloromethane, chloroform, and dibromochloromethane.

[7] The mass limit shall be calculated based on the concentration limitations (from Attachments) and the design flows.

[8] Compliance can be demonstrated using either total, or acid-soluble (inductively coupled plasma/atomic emission spectrometry or inductively coupled plasma/mass spectrometry) analysis methods, as supported by U.S. EPA's Ambient Water Quality Criteria for Aluminum document (EPA 440/5-86-008), or other standard methods that exclude aluminum silicate particles as approved by the Executive Officer."

4. Based on sampling submitted by the Discharger, The Discharger currently cannot consistently comply with the Effluent Limitations for total trihalomethanes, aluminum, iron, manganese, tributyltin, methylene blue active substances (MBAS), nitrate, nitrite, sulfate, ammonia, and organochlorine pesticides contained in the Waste Discharge Requirements Order No. R5-2004-0094.

5. Based on the above Findings, this discharge represents a threatened discharge of waste in violation of the Effluent Limitations for total trihalomethanes, aluminum, iron, manganese, tributyltin, methylene blue active substances (MBAS), nitrate, nitrite, sulfate, ammonia, and organochlorine pesticides included in Waste Discharge Requirements Order No. R5-2004-0094.

6. In accordance with California Water Code (CWC) Section 13385 (j)(3), the Regional Board finds that, based upon the current condition of the wastewater treatment plant, the Discharger is not able to consistently comply with total trihalomethanes, aluminum, iron, manganese, tributyltin, methylene blue active substances (MBAS), nitrite, sulfate, and organochlorine pesticides limitations. The total trihalomethanes, aluminum, iron,

manganese, tributyltin, methylene blue active substances (MBAS), nitrite, sulfate, and organochlorine pesticides Effluent Limitations are new requirements that become applicable to the permit after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

Source control and treatment actions can be taken to correct the violations that would otherwise be subject to mandatory penalties under California Water Code section 13385(h) and (i), and the Discharger can take reasonable measures to achieve compliance within five (5) years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380.

California Water Code (CWC) Section 13385 (j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3 of the California Water Code. A pollution prevention plan addresses only those constituents that can be effectively reduced by source control measures. Total trihalomethanes, aluminum, iron, manganese, tributyltin, methylene blue active substances (MBAS), nitrite, sulfate, nitrate, ammonia, and organochlorine pesticides can be reduced significantly through source control measures.

Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of nitrate and ammonia (from adoption to 1 January 2007 only) and total trihalomethanes, aluminum, iron, manganese, tributyltin, methylene blue active substances (MBAS), nitrite, sulfate, and organochlorine pesticides limitations through 1 June 2009, in accordance with California Water Code (CWC) Section 13385 (j)(3).

7. On 9 July 2004, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish a time schedule to achieve compliance with waste discharge requirements.

8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Section 15321 (a)(2), Title 14, California Code of Regulations.

9. Any person adversely affected by this action of the Regional Board may petition the State CA 95812-0100, within 30 days of the date in which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED that Cease and Desist Order No. R5-2002-0002 is rescind and:

1. The Olivehurst Public Utility District Wastewater Treatment Plant shall cease and desist from discharging, and threatening to discharge, contrary to Waste Discharge Requirements Order No. R5-2004-0094 Effluent Limitation No.1 for total trihalomethanes, aluminum, iron, manganese, tributyltin, methylene blue active substances (MBAS), nitrate, nitrite, sulfate, ammonia, and organochlorine pesticides.

2. The Olivehurst Public Utility District shall comply with the following time schedule to assure compliance with total trihalomethanes, aluminum, iron, manganese, tributyltin, methylene blue active substances (MBAS), nitrate, nitrite, sulfate, ammonia, and organochlorine pesticides Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2004-0094 as described in the above Findings:

Task	Compliance Date
Submit a Workplan to Achieve Compliance[1]	**1 December 2004**
Submit Progress Report[2]	**1 December, annually**
Pollution Prevention Plan	**1 July 2005**
Achieve Full Compliance	**30 November 2007**

[1] The Workplan shall include the Implementation Schedule to achieve compliance with waste discharge requirements.

[2] The Progress Report shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including construction progress, evaluate the effectiveness of the implemented measures and assess whether additional measures are necessary to meet the time schedule.

3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 9 July 2004.

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THOMAS R. PINKOS, Executive Officer